

Application Serial No. 10/579,170
Reply to office action of April 26, 2010

PATENT
Docket: CU-4815

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-20 are pending before this amendment. By the present amendment, claim 6 is canceled without prejudice; and claims 1, 5, 7 and 14 are amended. No new matter has been added.

In the office action (page 2), claim 5 is objected to under 37 CFR 1.75(c) as being in improper form. This rejection is rendered moot by the amendment to claim 5. Therefore, withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 103 (a)

In the Office Action:

Claims 1, 12 and 13 stand rejected under 35 U.S.C 103(a) as being unpatentable over US 5,757,772 (Thornberg) in view of US Pub No. 2005/0099961 (Holma).

Claims 2 and 4 stand rejected under 35 U.S.C 103(a) as being unpatentable over Thornberg, Holma and further in view of US Pub No. 2005/0185651 (Rinne).

Claims 5, 14, 16, 19 and 20 stand rejected under 35 U.S.C 103(a) as being unpatentable over Thornberg, Holma and further in view of US Pub No. 2002/0021679 (Paneth).

Claim 15 stands rejected under 35 U.S.C 103(a) as being unpatentable over Thornberg, Holma and further in view of Paneth and Rinne.

Claims 3, 6-11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant notes with appreciation the indication of allowability for claims 3, 6-11, 17 and 18. To expedite the prosecution of the present application and with the intention of inviting a Notice of Allowance, the applicant has amended independent claim 1 to incorporate all limitations of claim 6 which depends from claim 1 and is indicated as allowable. Thus, the applicant believes Claim 1, as amended, is in

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condition for allowance.

Likewise, Claims 2, 4-5, 12-13, which depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

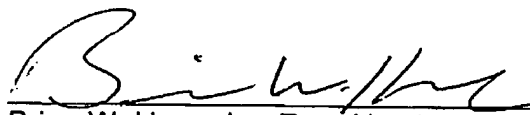
Claim 14, which is a claim to an apparatus to carry out the method of claim 1, is further amended in a similar way as claim 1, and is thus believed to patentably distinguish over the art of record. Likewise, Claims 15-16, 19-20, which depend from claim 14, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

The applicant respectfully notes on record that the amendment of claims herein should not be construed as an admission by the applicant that any of the cited prior art references teaches or discloses or suggests any of the claimed subject matter in the manner proposed by the examiner. In this regard, the applicants respectfully reserve all rights to present claims 1 and 14 as originally presented in a separate patent application continuing from this application or otherwise.

For the reasons set forth above, issuance of a Notice of Allowance for the currently pending claims 1-5 and 7-20 is respectfully requested. This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Dated: July 23, 2010


Brian W. Hameder, Reg. No. 45,613
Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300